

04/07/03

2163

Express Mail No. EL 501 759 119 US

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Application of: Suffin et al. Confirmation No.: 3936

Serial No.: 10/193,735 Art Unit: 2163

Filed: July 11, 2002 Examiner: Unknown

For: ELECTROENCEPHALOGRAPHY BASED Attorney Docket No.: 10701-008
SYSTEMS AND METHODS FOR
SELECTING THERAPIES AND
PREDICTING OUTCOMES

INFORMATION DISCLOSURE STATEMENT

Assistant Commissioner for Patents
Washington, D.C. 20231
Sir:

RECEIVED

APR 08 2003

GROUP 3600

In accordance with the duty of disclosure provisions of 37 C.F.R. §1.56, there is hereby provided certain information which the Examiner may consider material to the examination of the subject U.S. patent application. It is requested that the Examiner make this information of record if it is deemed material to the examination of the application.

1. Enclosures accompanying this Information Disclosure Statement are:
 - 1a. ☒ A list of all patents, publications, applications, or other information submitted for consideration by the office.
 - 1b. A legible copy of :
 - ☒ Each U.S. patent application publication and U.S. and foreign patent;
 - ☒ Each publication or that portion which caused it to be listed on the PTO-1449;
 - ☐ For each cited pending U.S. application, the application specification including the claims, and any drawing of the application, or portion of the application which caused it to be listed on the PTO-1449 including any claims directed to that portion;
 - ☐ all other information or portion which caused it to be listed on the PTO-1449.
 - 1c. ☒ An English language copy of search report(s) from a counterpart foreign application or PCT International Search Report.
 - 1d. ☐ Explanations of relevancy (ATTACHMENT 1(d), hereto) or English language abstracts of the non-English language publications.
2. ☒ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(b):
 - ☐ Within three months of the filing date of a national application other than a continued prosecution application under §1.53(d);

- ☐ Within three months of the date of entry of the national stage as set forth in §1.491 in an international application;
- ☒ Before the mailing of the first Office action on the merits;
- ☐ Before the mailing of a first Office action after the filing of a request for continued examination under §1.114.

3. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(c) after the period specified in 37 C.F.R. §1.97(b), but before the mailing date of any of a final action under 37 C.F.R. §1.113, a notice of allowance under 37 C.F.R. §1.311 or an action that otherwise closes prosecution in the application.

(Check either Item 3a or 3b)

- 3a. ☐ The Certification Statement in Item 5 below is applicable. Accordingly, no fee is required.
- 3b. ☐ The \$180.00 fee set forth in 37 C.F.R. §1.17(p) in accordance with 37 C.F.R. §1.97(c) is:
- ☐ enclosed
- ☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

(Item 3b to be checked if any reference known for more than 3 months)

4. ☐ This Information Disclosure Statement is filed under 37 C.F.R. §1.97(d) after the period specified in 37 C.F.R. §1.97(c), but on or before the date of payment of the issue fee.

The \$180.00 fee set forth in 37 C.F.R. §1.17(p) is:

- ☐ enclosed.
- ☐ to be charged to Pennie & Edmonds LLP Deposit Account No. 16-1150.

The Certification Statement in Item 5 below is applicable.

5. ☐ Certification Statement (applicable if Item 3a or Item 4 is checked)

(Check either Item 5a or 5b)

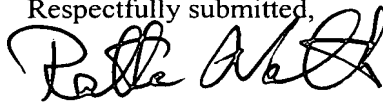
- 5a. ☐ In accordance with 37 C.F.R. §1.97(e)(1), it is certified that each item of information contained in this Information Disclosure Statement was first cited in a communication from a foreign patent office in a counterpart foreign application not more than three months prior to the filing of this Information Disclosure Statement.
- 5b. ☐ In accordance with 37 C.F.R. §1.97(e)(2), it is certified that no item of information contained in this Information Disclosure Statement was cited in a communication from a foreign patent office in a counterpart foreign application and, to the knowledge of the undersigned after making reasonable inquiry, was known by any individual designated in 37 C.F.R. §1.56(c) more than three months prior to the filing of this Information Disclosure Statement.

6. ☐ This application is a continuation in part application under 37 C.F.R. §1.60 or §1.53(b) or (d).

(Check appropriate Items 6a, 6b and/or 6c)

- 6a. ☐ A Petition to Withdraw from issue under 37 C.F.R. §1.313(b)(5) is concurrently filed herewith.
- 6b. ☐ Copies of publications listed on Form PTO-1449 from prior application Serial No. , filed on , of which this application claims priority under 35 U.S.C. §120, are not being submitted pursuant to 37 C.F.R. §1.98(d).
- 6c. ☐ Copies of the publications listed on Form PTO-1449 that were not previously cited in prior application Serial No. , filed on , and are provided herewith.
7. ☐ This is a Supplemental Information Disclosure Statement. (Check either Item 7a or 7b)
- 7a. ☐ This Supplemental Information Disclosure Statement under 37 C.F.R. §1.97(f) supplements the Information Disclosure Statement filed on March 22, 2001. A bona fide attempt was made to comply with 37 C.F.R. §1.98, but inadvertent omissions were made. These omissions have been corrected herein. Accordingly, additional time is requested so that this Supplemental Information Disclosure Statement can be considered as if properly filed on March 22, 2001.
8. ☐ In accordance with 37 C.F.R. §1.98, a concise explanation of what is presently understood to be the relevance of each non-English language publication is:
- (Check Item 8a, 8b, or 8c)
- 8a. ☐ satisfied because all non-English language publications were cited on the enclosed English language copy of the PCT International Search Report or the search report from a counterpart foreign application indicating the degree of relevance found by the foreign office.
- 8b. ☐ set forth in the application.
- 8c. ☐ enclosed as an attachment hereto.
9. ☒ The Commissioner is authorized to charge any additional fee required or credit any overpayment for this Information Disclosure Statement and/or Petition to Pennie & Edmonds LLP Deposit Account No. 16-1150.
10. ☒ No admission is made that the information cited in this Statement is, or is considered to be, material to patentability nor a representation that a search has been made (other than a search report of a foreign counterpart application or PCT International Search Report if submitted herewith). 37 C.F.R. §§1.97(g) and (h).

Respectfully submitted,



Date:

Laura A. Coruzzi

(Reg. No.30,742)

By: Rattan Nath

(Reg. No.43,827)

PENNIE & EDMONDS LLP

1155 Avenue of the Americas

New York, New York 10036-2711

(212) 790-9090



LIST OF REFERENCES CITED BY APPLICANT

(Use several sheets if necessary)

GROUP 3600

ATTY DOCKET NO.

10701-008

APPLICATION NO

10/193,735

APPLICANT

Suffin et al.

FILING DATE

July 11, 2002

GROUP

2163

U.S. PATENT DOCUMENTS

*EXAMINER INITIAL		DOCUMENT NUMBER	DATE	NAME	CLASS	SUBCLASS	FILING DATE IF APPROPRIATE
	AA	2001/0020137 A1	09/06/01	Granger (patent publication)			
	AB	4,201,224	05/06/80	John			
	AC	5,083,571	01/28/92	Prichep			
	AD	5,176,145	01/05/93	Ryback et al.			
	AE	5,230,346	07/27/93	Leuchter et al.			
	AF	5,267,570	12/07/93	Preston			
	AG	5,357,976	10/25/94	Feng			
	AH	5,445,162	08/29/95	Ives			
	AI	5,447,166	09/05/95	Gevins			
	AJ	5,730,146	03/24/98	Itil et al.			
	AK	5,871,517	02/16/99	Abrams et al.			
	AL	5,873,823	02/23/99	Eidelberg et al.			
	AM	5,884,626	03/23/99	Kuroda et al.			
	AN	6,021,346	02/01/00	Ryu et al.			
	AO	6,061,593	05/09/00	Fischell et al.			
	AP	6,195,576 B1	02/27/01	John			
	AQ	6,434,419 B1	04/24/01	Gevins et al.			
	AR	6,223,074 B1	04/24/01	Granger			

FOREIGN PATENT DOCUMENTS

		DOCUMENT NUMBER	DATE	COUNTRY	CLASS	SUBCLASS	TRANSLATION
							YES NO

OTHER REFERENCES (Including Author, Title, Date, Pertinent Pages, Etc.)

AS	Chabot, R., Ph.D., et al., "Behavioral and Electrophysiologic Predictors of Treatment Response to Stimulants in Children with Attention Disorder," <i>Journal of Child Neurology</i> , vol. 14, No. 6, June 1989, pgs. 343-351.
AT	Dumoulin, K., et al., "A psychoanalytic investigation to improve the success rate of spinal cord stimulation as a treatment for chronic failed back surgery syndrome," 1996, <i>Clin. J. Pain</i> 12(1):43-9
AU	Gangadhar et al., 1999, "Post-seizure EEG fractal dimension of first ECT predicts antidepressant response at two weeks," <i>Journal of Affective Disorders</i> 52:235-238
AV	Hoffman, D., M.D., et al., "Limitations of the American Academy of Neurology and American Clinical Neurophysiology Society Paper on QEEG," <i>The Journal of Neuropsychiatry and Clinical Neurosciences</i> 11:3, (1999): pgs. 401-407.
AW	Hughes et al., "Conventional and Quantitative Electroencephalography in Psychiatry," 1999, <i>J. Neuropsychiatry Clin. Neurosci.</i> 11(2):190-208
AX	Huh et al., 1992, "Can We Predict Carbamazepine Responsiveness in Partial Epilepsy?," <i>The Japanese Journal of Psychiatry and Neurology</i> 46(2):391-394
AY	Inui, K., et al., "Electroencephalographic Findings in Patients with DSM-IV Mood Disorders, Schizophrenia and Other Psychotic Disorders," <i>Biological Psychiatry</i> , Vol. 43, Number 1, 1998, pgs. 69-75



AZ	Jansen, Ben H., "Nonlinear dynamics and quantitative EEG analysis," <i>Frontier Science in EEG: Continuous Waveform Analysis</i> , Supplement 45 to <i>Electroencephalography and Clinical Neurophysiology</i> , 1996, pgs. 39-56
AAA	Jessurum, G.A., et al., "Current views on neurostimulation in the treatment of cardiac ischemic syndromes," 1996, <i>Pain</i> 66(2-3):109-16
ABB	Kupsch, A., et al., 1999, "Neurosurgical interventions in the treatment of idiopathic Parkinson disease, neurostimulation and neural implantation," <i>J. Mol. Med.</i> 77(1):178-84
ACC	Laraia et al., "Quick Psychopharmacology Reference,, Mosby, 2 nd Edition, pp. 13-53
ADD	Lindgren et al., 1999, "Thalamic Metabolic Rate Predicts EEG Alpha Power in Healthy Control Subject But Not in Depressed Patients," <i>Biol. Psychiatry</i> 45:943-952
AEE	Mineka et al., "Comorbidity of Anxiety and Unipolar Mood Disorders," 1998, <i>Annu. Rev. Psychol.</i> 49:579-612
AFF	Nathan et al., 1999, "Psychopathology: Description and Classification," <i>Annu. Rev. Psychol.</i> 50:79-107
AGG	Nuwer, "Assessment of digital EEG, quantitative EEG, and EEG brain mapping: Report of the American Academy of Neurology and the American Clinical Neurophysiology Society," 1997, <i>Neurology</i> 49:277-292
AHH	Prichep, L., Ph.D., et al., "Neurometric QEEG Studies of Crack Cocaine Dependence and Treatment Outcome," The Haworth Press, Inc., 1996, pgs. 39-53
ALL	Rushton, "Functional electrical stimulation," 1997, <i>Physiol. Meas.</i> 18(4):241-75
AJJ	Staedt et al., 1998, "Sleep cluster arousal analysis and treatment response to heterocyclic antidepressants in patients with major depression," <i>Journal of Affective Disorders</i> 49:221-227
AKK	Stern et al., 1993, "Predictors of Response to Neuroleptic Treatment in Schizophrenia," <i>Psychiatric Clinics of North America</i> 16(2):313-338
ALL	Suffin et al., "Neurometric EEG Predicts Pharmacotherapeutic Outcome in Depressed Outpatients: A Prospective Trial," (???)
AMM	Suffin, Stephen C., M.D., et al., "Neurometric Subgroups in Attentional and Affective Disorders and their Association with Pharmacotherapeutic Outcome," <i>Journal of Clinical Electroencephalography</i> , 1995; 26:76-83
ANN	Suffin, Stephen C., M.D., et al., "Quantitative EEG Subtypes with Treatment Outcome in Add and Mood Disorders," 1996, American Psychiatric Association Annual Meeting
AOO	Suffin, Stephen C., M.D., et al., "Neurometric EEG Classifiers and Medication Response in DSM Disorders," American Psychiatric Association 1996 Annual Meeting, Washington, DC, May 4-9, 1996; pgs. 1-30
APP	Suffin, Stephen C., M.D., et al., "The Eating Disorder Sourcebook," NeuroPharmacologic Institute Medical Group, Chapter 14, Revision 7/16/97
AQQ	Suffin, Stephen C., M.D., et al., "NeuroPharmacological Institute Medical Group, EEG Evaluation (Sample Report), NuPharm Database, LLC, printed 12/31/98, 15 pages
ARR	Tronnier, V.M., et al., "Magnetic resonance imaging with implanted neurostimulators: an in vitro and in vivo study," 1999, <i>Neurosurgery</i> 44(1):118-25
ASS	Volavka, "The Neurobiology of Violence: An Update," 1999, <i>J. Neuropsychiatry Clin. Neurosci</i> 11(3):307-314
ATT	Winterer et al., 1998, "Quantitative EEG (QEEG) predicts relapse in patients with chronic alcoholism and points to a frontally pronounced cerebral disturbance," <i>Psychiatry Research</i> 78:101-113

EXAMINER

DATE CONSIDERED

*EXAMINER: Initial if reference considered, whether or not citation is in conformance with MPEP 609; Draw line through citation if not in conformance and not considered. Include copy of this form with next communication to applicant.